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17 BRIAN CARTER

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 **BRIAN CARTER**

21 Petitioner,

22 v.

23 **CITY OF MARTINEZ**

24 Respondent.

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) Case Number: C 06-7534 PJH
)
) **STIPULATION AND ORDER TO**
) **EXTEND DISCOVERY AND**
) **MEDIATION DEADLINES AND FOR**
) **CONTINUANCE OF CASE**
) **MANAGEMENT CONFERENCE**
)
)
)
)
) Complaint Filed: December 8, 2006
) Trial Date: Not set

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1 THE PARTIES HEREBY STIPULATE:

2 On March 15, 2007, this Court issued a civil minute order regarding pre-mediation
3 discovery as well as setting a deadline for completion of mediation by July 13, 2007. The
4 deadlines were in accordance with the time-table set out for discovery and completion of
5 mediation in the parties' Joint Case Management Statement filed on March 8, 2007.

6 On March 31, 2007, the Court appointed Robert A. Edwards as the mediator in this
7 matter. The parties scheduled a mediation for June 26, 2007.

8 As stated in the Joint Case Management Statement and Order, the parties must engage
9 in extensive discovery in order to conduct a meaningful mediation. The parties have both been
10 diligent and made good faith efforts to supply the necessary discovery in a timely manner.
11 Necessary discovery to be completed prior to mediation includes the production of electronic
12 payroll data for all consenters in this FLSA collective action. In order to calculate reasonable
13 estimates of damages for purposes of mediation, that payroll data must be analyzed with
14 information obtained from consenters during extensive telephone interviews conducted with
15 each consenter. This is a time consuming and labor intensive process. Because the parties are
16 still in the process of compiling, exchanging, and processing the necessary discovery, they
17 would be unable to complete a meaningful mediation on June 26, 2007.

18 The parties hereby request a formal order extending the deadline for completion of
19 mediation to October 31, 2007. To the extent possible or available with reasonable efforts, the
20 Defendant will provide payroll data for all consenters in electronic form. The Defendant will
21 make all reasonable efforts to provide available payroll data for all consenters by July 6, 2007.
22 By August 31, 2007, the Plaintiffs will make all reasonable efforts to supply to the Defendant
23 calculations of proposed damages as well as an explanation of how those damages were
24 computed. On August 31, 2007, the Plaintiffs will also disclose the person most
25 knowledgeable about the Plaintiffs' claims and defenses.

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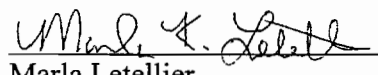
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2 The parties also request a continuance of the case management conference currently
3 scheduled for August 15, 2007, to November 15, 2007, after the completion of mediation.

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5 Dated: 6/8/07

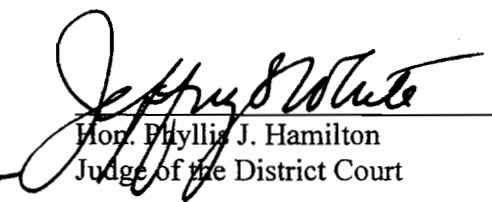

Matthew George
Attorney for Brian Carter and all Consentors

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7 Dated: 6/8/07


Marla Letellier
Attorney for City of Martinez

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10 IT IS SO ORDERED:

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12 Dated: 6/15/2007


Hon. Phyllis J. Hamilton
Judge of the District Court

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14 For